(6) THE MADRAS LAND ENCROACHMENT (AMENDMENT) BILL, 1950.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I beg leave to introduce the Madras Land Encroachment (Amendment) Bill[a] 1950, and move—

' *that the Bill be taken into consideration at once.*'

" Sir, this is a very small Bill. The Government are leasing certain lands for a temporary purpose and for a temporary period. Occasions might arise when at the end of a period the lease has to be terminated automatically or has to be terminated before the period of lease for reasons like the non-compliance with the conditions of the lease. For non-compliance with the conditions of the lease, resumptions are made. It has been the practice of the Government to take possession of the land under the Land Encroachment Act. Where the parties do not surrender possession, the provisions of the Land Encroachment Act were applied. Now doubts have arisen whether the Government can, as a matter of fact, apply the provisions of the Land Encroachment Act in those cases. We want to clear the doubts that in cases where lands have been leased, and those leases have been cancelled for breach of the conditions of the lease, the provisions of the Land Encroachment Act can be invoked to take possession of the land. The practice adopted for a number of years may not be the law if some doubts are raised. Since doubts have been raised, to clear all those doubts, this Bill is brought forward. Sir, I move."

DEPUTY CHAIRMAN :—" The motion is—

' that the Madras Land Encroachment (Amendment) Bill, 1950, be taken into consideration at once '."

• SRI T. PURUSHOTHAM :—" Sir, I rise on a point of information. After the coming into force of the Zamindari Abolition Act, the Government have passed orders with regard to some tenants who were in possession of some zamindari lands. Will they be ejected under the Land Encroachment Act? When it is clearly laid down in the Zamindari Abolition Act that any dispute with regard to the possession of those lands will be decided by a Tribunal, how can this Government eject any tenant under the provisions of the Land Encroachment Act? Is it for this purpose that this amending Bill is brought forward? If so, how can this be valid in view of what is contained in the Zamindari Abolition Act."

* THE HON. SRI K. MADHAVA MENON :—" Sir, this Bill has nothing to do with the Zamindari Abolition Act or the Rent Reduction Act. The proposed section is clear. It says—

' Where a lease of land which is the property of the Government expires or is terminated by the Government or any other authority competent in that behalf, the lessee or any other person remaining in possession of the land after such expiry or termination, or

where land granted to any person is liable to be resumed by the Government for the breach or non-observance of any of the conditions subject to which the grant is made and the Government or any other authority competent in that behalf have passed orders resuming the land for such breach or non-observance, the grantee or any other person remaining in possession of the land after the passing of those orders,

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[a] Published in the *Fort St. George Gazette*, dated 1st August 1950.

[Sri K. Madhava Menon] [31st August 1950

shall, for the purposes of sections 3 to 15, be deemed to be a person unauthorizedly occupying such land.'

It must be a lease of land belonging to the Government, or it must be a grant of land subject to certain conditions, the breach or the non-observance of which, will entail resumption by Government. There must be a specific grant of land by the Government or a specific lease for the provisions of this Act to be applied. In other cases, this Act will not be applied."

DEPUTY CHAIRMAN :—" The motion is—

'that the Madras Land Encroachment (Amendment) Bill, 1950, be taken into consideration at once'."

The motion was carried.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I move—

'*that the Madras Land Encroachment (Amendment) Bill, 1950, be passed*'."

DEPUTY CHAIRMAN :—" The motion is—

'that the Madras Land Encroachment (Amendment) Bill, 1950, be passed'."

The motion was carried.

(7) THE MADRAS REPEALING AND AMENDING BILL, 1950.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I beg leave to introduce the Madras Repealing and Amending Bill[a] 1950, and move—

'*that the bill be taken into consideration at once.*'

" Sir, hon. Members need not be frightened by the volume and the number of pages that are found in this Bill. There are a number of obsolete and spent out Acts on the Statute Book from 1859 onwards. So many Acts which have been passed, were temporary, or have worn out or have become spent out, but still they are on the Statute Book. From the time of adaptation of the laws under the New Constitution, we have been examining whether these Acts should be retained. For instance there is the Moplah Outrages Act. It is stated that the Government can cancel it by a notification. We have cancelled it by a notification. There is the Moplah Outrages Act Continuance Act. We have cancelled it by a notification. Still these Acts are on the Statute Book. A number of subsequent enactments have cancelled the previous enactments, but still the old Acts are on the Statute Book. This Bill contains two Schedules. The First Schedule deals with those Acts which are to be repealed. The Second Schedule deals with amendments to certain previous enactments. The amendments, in all cases, are only verbal. In the Madras

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[a] Published in the *Fort St. George Gazette*, dated 1st August 1950.